



1991-211  
MC:smt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
David Mark WHITCOMBE et al. ) Box Missing Parts  
Serial No. 09/974,870 ) Attention:  
Filed: October 12, 2001 ) Applications Branch  
For: METHODS AND PRIMERS FOR DETECTING TARGET NUCLEIC ACID  
SEQUENCES )

RESPONSE TO NOTICE TO FILE MISSING PARTS  
and PRELIMINARY AMENDMENT

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated December 7, 2001, response copy attached, a Declaration and Power of Attorney identifying the above-referenced application by Serial Number and Filing Date is being herewith submitted. Also attached is a check in payment of the following fees:

\$ 130.00 (surcharge under 37 C.F.R. 1.16(e))  
400.00 (4mth. EOT)  
\$ 530.00 TOTAL

Please charge any additional fees or credit any overpayment for the payment of the filing fee, any extra claims fees or the surcharge to deposit account number 02-2135. An additional copy


Application No.: 09/974,870

of this letter is enclosed for that purpose.

As requested by the Notice, this communication includes both a paper copy of the Sequence Listing and a copy of the Sequence Listing recorded on a diskette in a computer readable form. Applicants hereby state that the sequences contained in this Sequence Listing are supported in the application as filed and contain no new matter; the sequence information contained in the paper copy and the computer readable copy of the Sequence Listing are the same.

Respectfully submitted,

By

  
\_\_\_\_\_  
Martha Cassidy  
Attorney for Applicants  
Registration No. 44,066  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202)783-6040

Enclosure(s): Sequence Listing(disk, paper 5 pgs.)

1991-211.NOMP

# 3



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/974,870	10/12/2001	David Mark Whitcombe	1991-211

CONFIRMATION NO. 8792

## FORMALITIES LETTER



\*OC000000007172405\*

6449

ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
555 13TH STREET, N.W.  
SUITE 701, EAST TOWER  
WASHINGTON, DC 20004

Date Mailed: 12/07/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

04/10/2002 ADSMAN1 00000077 09974870

02 FC:105

130.00 OP

*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**FEE TRANSMITTAL  
for FY 2001  
(Large Entity)**

Complete if Known

Application Number 09/974,870  
Filing Date October 12, 2001  
First Named Inventor David Mark WHITCOMBE et al.  
Examiner Name To be assigned  
Group Art Unit 1656  
Attorney Docket Number 1991-211

Total Amount of Payment (\$530.00)

**METHOD OF PAYMENT (check one)**

1. ☐ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status
2. ☐ Payment Enclosed
- ☐ Check
- ☐ Credit Card

**FEE CALCULATION**

**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
101	740	Utility filing fee	[ ]
106	330	Design Filing Fee	[ ]
107	510	Plant Filing Fee	[ ]
108	740	Reissue Filing Fee	[ ]
114	160	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

**2. CLAIMS**

	Extra Claims	Fee	Fee
Paid			
Total Claims	[ ] - 20** = [ ]	x \$18 = [ ]	
Independent Claims	[ ] - 3** = [ ]	x 84 = [ ]	
Multiple Dependent Claims	+	280 = [ ]	

\*\*or number previously paid, if greater;

**SUBTOTAL \$**

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
105	130	Surcharge - late filing fee or oath	[130.00]
127	50	Surcharge - late provisional filing fee or cover sheet	[ ]
139	130	Non-English specification	[ ]
147	2,520	For filing a request for reexamination	[ ]
112	920	Requesting publication of SIR prior to Examiner action	[ ]
113	1,840*	Requesting publication of SIR after Examiner action	[ ]
115	110	Extension for reply within first month	[ ]
116	400	Extension for reply within second month	[400.00]
117	920	Extension for reply within third month	[ ]
118	1,440	Extension for reply within fourth month	[ ]
128	1,960	Extension for reply within fifth month	[ ]
119	320	Notice of Appeal	[ ]
120	320	Filing a brief in support of an appeal	[ ]
121	280	Request for Oral Hearing	[ ]
138	1,510	Petition to institute a public use proceeding	[ ]
140	110	Petition to revive -unavoidable	[ ]
141	1,280	Petition to revive - unintentional	[ ]
142	1,280	Utility issue fee (or reissue)	[ ]
143	460	Design issue fee	[ ]
144	620	Plant issue fee	[ ]
122	130	Petitions to the Commissioner	[ ]
123	50	Processing fee under 37 CFR 1.17(q)	[ ]
126	180	Submission of Information Disclosure Statement	[ ]
581	40	Recording each patent assignment per property (times number of properties)	[ ]
146	740	Filing a submission after final rejection (37 CFR .129(a))	[ ]
149	740	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
179	740	Request for Continued Examination (RCE)	[ ]
169	900	Request for expedited examination of a design application	[ ]
195	300	Publication fee for early, voluntary, or normal publication	[ ]
196	300	Publication fee for republication	[ ]
089	200	Filing application for patent term adjustment	[ ]
090	400	Request for reinstatement of term reduced	[ ]
Other fee (specify)			[ ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$530.00**

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Martha Cassidy, Reg. No. 44,066		
SIGNATURE		DATE	4/8/02
		DEPOSIT ACCOUNT USER ID	

04/10/2002 AOSMAN1 00000077 09974870

01 FC:116

400.00 OP